



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Hale's Location Realty Trust
Robert H. Carleton
P.O. Box 218
Alton, New Hampshire 03809

LETTER OF DEFICIENCY
WD WQE 04-05

May 28, 2004

Re: Access road, borrow pit, and other alteration of terrain
Off Boulder Ridge Road, Hale's Location subdivision, Hale's Location, New Hampshire
Wetlands Bureau File 2003-2622

Dear Mr. Carleton:

On April 21, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the subject property. The purpose of the inspection was to determine compliance with RSA 485-A:17 and 482-A:3 and applicable rules promulgated pursuant thereto. During the inspection, the following deficiencies were documented:

- 1 An access road, a borrow pit and other alteration of terrain had occurred on the site. The disturbance for these activities exceeded 100,000 square feet;
2. Alteration of terrain exceeding 100,000 square feet requires a Site Specific Permit prior to commencement of these activities. DES has no record that a Site Specific Permit was issued for the above-referenced disturbance;
3. Adequate temporary and permanent erosion and sediment control best management practices ("BMPs") had not been installed for the disturbed areas;
4. The road and its ditches had eroded; and
- 5 Approximately 1,600 square feet of fill had been placed in a jurisdictional wetland approximately 75' north of the gate at the new road. DES has no record that a Wetlands Permit was issued for the fill.

In response, you are requested to take the following actions:

- 1 By June 25, 2004, submit a temporary erosion and sediment control plan ("the E&SC Plan") to DES for review. The E&SC Plan should be prepared by either a Certified Professional in Erosion and Sediment Control or a Professional Engineer licensed in the State of New Hampshire ("Consultant").

2. By June 25, 2004, file an after-the-fact standard dredge and fill application (enclosed) to DES to retain the fill placed in the wetland for the construction of the road.
3. By July 16, 2004, implement the BMPs shown on the E&SC plan.
4. Notify the DES Site Specific Program **in writing** within 48 hours of full implementation of the E&SC Plan.
5. Obtain a Site Specific Permit **prior to** performing additional alteration of terrain or development on the site, except as needed to implement the E&SC Plan.

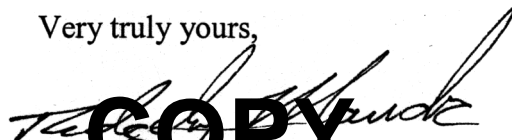
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A:17 and 482-A may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Department of Environmental Services
Water Division
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095
Attn.: Denise Frappier, Site Specific Program and
Linda Magoon, Wetlands Bureau

Should you have any questions regarding this letter, please contact Denise Frappier at 466-5910 or Linda Magoon at 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Very truly yours,


COPY
Ridgely Mauck, PE

RAM/DMF-LM/rb
CERTIFIED MAIL, 7099 3400 0003 0688 0184

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Legal Unit Administrator
Russell A. Nylander, PE-WD/DES
Denise M. Frappier-WQE/WD/DES
Linda Magoon, WB/WD/DES
Carroll County, Administrator for Hale's Location